

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CYBOENERGY, INC.,

Plaintiff

v.

HOYMILES POWER ELECTRONICS
USA, INC.,

Defendant.

Case No. 2:23-cv-00311-JRG

JURY TRIAL DEMANDED

**NOTICE OF RELEVANT DETERMINATION
FROM RELATED PROCEEDINGS**

Pursuant to the Court's May 28, 2015 Standing Order Requiring Notice of Relevant Determinations From Related Proceedings In Cases Assigned to United States District Judge Rodney Gilstrap, Hoymiles respectfully submits this Notice.

On August 21, 2023, Defendant Hoymiles Power Electronics USA, Inc. ("Hoymiles") filed a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. *See* Dkt. No. 10. Among other things, Hoymiles moved to dismiss claims of direct infringement of U.S. Patent No. 8,786,133 ("133 Patent").

There is a related case pending in the District Court for the Western District of Texas involving the same plaintiff and the same asserted patents: *CyboEnergy, Inc. v. AltEnergy Power System USA, Inc.*, No. WA-22-cv-1136-KC. The defendant in that case, *AltEnergy Power System*, filed a nearly identical motion to dismiss claims of direct infringement of the '133 Patent. *Id.*, Dkt. No. 9. On September 13, 2023, the District Court granted that motion *with prejudice*. *Id.*, Dkt. No. 33. A copy of that order is attached as Exhibit A.

Dated: October 6, 2023

Respectfully submitted,

/s/ Darlene F. Ghavimi

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all counsel of record via the Court's ECF system on October 6, 2023.

/s/ Darlene F. Ghavimi
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